

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CALVIN J. COOHEY,

Petitioner,

v.

ORDER

Civil File No. 05-1367 (MJD/FLN)

WARDEN J. F. CARAWAY,

Respondent.

Calvin J. Coohy, pro se.

John R. Marti, Assistant United States Attorney, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 27, 2006. Both Petitioner and Respondent filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated January 27, 2006.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation dated January 27, 2006 [Docket No. 13] is hereby **ADOPTED**.
2. Petitioner's Petition for Writ of Habeas Corpus [Docket No. 1] is **DENIED** and this action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 1, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court